HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.13340 of 1998

11.6.2007

Between

Ganta Jayarama Murthy ..Petitioner

AND

The Commissioner for Cooperation and Registrar of Cooperative Societies, A.P. Hyderabad and another ..Respondents

:: JUDGMENT ::

HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

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Heard Sri T.Nagarjuna Reddy, learned counsel for the petitioner and the Government Pleader for Cooperation and Sri M.S.Ramachandra Rao for the respondents.

The present writ petition has been instituted seeking the following relief:

> "For all the reasons stated above, it is just and necessary that this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ or order or direction the respondents to permit the petitioner to appear for written test for the post of Manager (Category III) to be held on 10.5.1998 by declaring the action of the 2nd respondent in not supplying hall ticket, pending consideration of the application of the petitioner by the 1st respondent to grant upper age relaxation as arbitrary, illegal and unconstitutional."

The essential grievance entertained by the writ petitioner was that the in-service employees of the District Cooperative Central Bank Limited at Vishakhapatnam who had completed 40 years of age are not permitted to appear for the selection process for recruitment to the post of Manager (Category-III). By virtue of an interim order passed by this Court on 5.5.1998, the writ petitioner has been permitted to appear for the selection process by participating in the written test that was conducted on 10-.5.1998.

The General Manager of the District Cooperative Central Bank Limited, Vishakhapatnam who filed the counter affidavit

had stated in paragraph 3 of the counter affidavit as under:

> "Subsequently,, the 1st respondent exercising the power conferred under Section 28(3) of the A.P. Cooperative Societies Rules, 1964 relaxed the upper age limit of 40 years to 42 years in respect of eligible in-service employees working in the District Cooperative Central Banks in the State. The said employees were also permitted to appear for written test/ interview to the post of Managers Category III for direct recruitment taking into consideration the circular in Rc.No.25398/98 C3 dated 12.6.1998. In view of the subsequent developments, the prayer sought for by the petitioner in the writ petition has become infructuous."

In view of what has been pointed out in the counter affidavit that the Rules have been relaxed with regard to the upper age limit upto 42 years, the grievance essentially entertained by the writ petitioner had been mitigated subsequently. Therefore, the cause in the writ petition does not survive for further adjudication.

In view of what has been stated supra, the writ petition is dismissed, but however, without costs.

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NOOTY RAMAMOHANA RAO.J.

11.6.2007
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